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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
07/827,906	01/30/1992	KENNETH A. BARTON	28079/41333	3375
74002	7590	02/13/2009		
Marshall, Gerstein & Borun LLP (Monsanto)			EXAMINER	
6300 Sears Tower			KUBELIK, ANNE R	
233 South Wacker Drive			ART UNIT	PAPER NUMBER
Chicago, IL 60606			1638	
			MAIL DATE	DELIVERY MODE
			02/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Marshall, Gerstein & Borun LLP (Monsanto)
6300 Sears Tower
233 South Wacker Drive
Chicago IL 60606

In re Application of :

Barton et al.

Serial No.: 07/827,906

Filed: January 30, 1992

Attorney Docket No.: 28079/41333

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: PETITION DECISION
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This is in response to the petition under 37 CFR § 1.59(b), filed February 10, 2009, to expunge information from the above identified application. This application has not been allowed

Petitioner requests that the Proprietary Information Disclosure Statement, February 10, 2009 be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

This application is under non-final action. Also, the information provided has not been reviewed. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application, petition may be made for return of Proprietary information. The information cannot be expunged at this time.

The petition is **DISMISSED**. Petitioner may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time

Should there be any questions about this decision please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 703-872-9306.

Marianne C. Seidel
Quality Assurance Specialist
Technology Center 1600